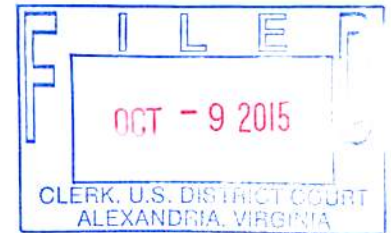


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



BMG RIGHTS MANAGEMENT)	
(US) LLC, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:14cv1611 (LO/JFA)
)	
COX COMMUNICATIONS, INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

On Friday, October 9, 2015, counsel for the parties appeared before the court to present argument on plaintiffs' Motion for Evidentiary Sanctions Based on Spoliation of Defendants' User Records and Related Evidence (Docket no. 339) ("motion for evidentiary sanctions"). Upon consideration of the motion, the memorandum in support (Docket no. 340), the memorandum in opposition (Docket no. 362), and plaintiffs' reply (Docket no. 375), and for the reasons stated from the bench, it is hereby

ORDERED that plaintiffs' motion for evidentiary sanctions is granted in part and denied in part. The court finds that defendants' duty to preserve material evidence in this action began upon their notice that this action had been filed by plaintiffs. Accordingly, the court finds that for a limited period of time the defendants' failed to preserve relevant evidence that would assist in identifying the defendants' subscribers based on specific IP addresses. However, the court concludes that the adverse inferences requested by the plaintiffs in their motion are inappropriate. At the appropriate time and if needed to address any evidence or argument relating to the lack of specific subscriber information, the plaintiffs may raise the undersigned's

finding concerning defendants' failure to preserve certain information with the District Judge and request that the jury be informed that from December 2014 until May 2015 the defendants failed to preserve certain information that would have allowed the parties to identify a specific customer of the defendants who was assigned a specific IP address.

Entered this 9th day of October, 2015.

 /s/ **378**
John F. Anderson
United States Magistrate Judge
John F. Anderson
United States Magistrate Judge

Alexandria, Virginia